

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE ARIEL RAMON-FELIX,

Defendant.

8:13CR75

ORDER

Defendant Jose Ariel Ramon-Felix (Ramon-Felix) appeared before the court on May 10, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 5). Ramon-Felix was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Special Assistant U.S. Attorney Christopher L. Ferretti. Through his counsel, Ramon-Felix waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Ramon-Felix should be held to answer for a final dispositional hearing before Judge John M. Gerrard.

The government moved for detention. Ramon-Felix declined to present any evidence or request a detention hearing. Since it is Ramon-Felix's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Ramon-Felix has failed to carry his burden and that Ramon-Felix should be detained pending a dispositional hearing before Judge Gerrard.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge John M. Gerrard in Courtroom No. 1, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:30 p.m. on June 10, 2013.** Defendant must be present in person.

2. Defendant Jose Ariel Ramon-Felix is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 10th day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge